IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 24703 of 2005(N)

AGAINST THE ORDER IN EP 844 1996 IN OS.470/1996 of MUNSIFF COURT, PARAVUR

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PETITIONER:

VASUDEVAN, S/O. KANDANKORAN,
AGED 68 YEARS, MAVELITHARA VEETTIL,
PERUMPADANNA KARA, EZHIKKARA VILLAGE,
PARUR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.P.L.DEVADAS
SRI.C.K.JAYAKUMAR

RESPONDENTS:

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1. **THE STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   REVENUE DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **M.K. PRAKASAN, S/O. KUMRAN,**
   MAVELITHARA VEETTIL, PERUMPADANNA KARA,
   EZHIKKARA VILLAGE, PAURUR TALUK.

3. **M.K. WILSON, S/O. KUMARAN,**
   DO. DO.

4. **M.K. PRESANNA, D/O. KUMARAN, DO. DO.**

5. **M.K. SHEELA, D/O. KUMARAN, DO. DO.**

6. **M.K. BANERJI, S/O. KUMARAN, DO. DO.**

7. **M.K. ANILKUMAR, S/O. KUMARAN,**
   DO. DO.

BY ADV. SRI.A.X.VARGHESE
BY GOVERNMENT PLEADER SRI. SHYSON P.MANGUZHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO.24703 of 2005

Dated this the 13th day of August , 2007

JUDGMENT

The writ petition is remaining defective on the reason that the first respondent is not served. But I find that the first respondent – State of Kerala is only a formal party and there is appearance for the party respondent. No representation for the petitioner. The order impugned in this writ petition under Article 227 is Ext.P4 order of the Execution Court. Under Ext.P4, an application filed by the petitioner to postpone the delivery till such time as the property in question is measured is dismissed. On going through Ext.P4, I am of the view that Ext.P4 does not cause any prejudice to the petitioner. It is provided in Ext.P4 itself that if the Amin who is deputed by the court reports about the necessity of conducting measurement, the court would be inclined to direct such measurement. The challenge against Ext.P4 fails. The writ petition is dismissed.

PIUS C. KURIAKOSE,
JUDGE.

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